IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1329 OF 2006

In

APPEAL NO.301 OF 2006

In

CHAMBER SUMMONS NO.550 OF 2000

In

SUIT NO.145 OF 1996

Mazhar Hussain : Appellant

(Orig.Respondent)

V/s.

Abis Constructions & Anr. : Respondents

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Mr.R.A.Dada i/b. Mr.D.M.Shah Alam Khan for the appellant.

Mr.G.S.Hegde with Mr.M.J.Shetty for respondent no.1.

Mr.G.C.Singh for respondent no.2.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : SEPTEMBER 26, 2006.

P.C.

1. We heard Mr.R.A.Dada, senior counsel for the appellant and Mr.G.S.Hegde, the counsel for the respondent no.1.

2. Until the disposal of the appeal, the following order shall remain operative:-

(i) The appellant shall deposit the sum of Rs.7,00,000/- (Rupees Seven Lakhs only) with the Prothonotary and Senior Master of this Court by 31.1.2007.

(ii) In addition to the aforesaid deposit, the appellant shall deposit the consolidated sum of Rs.60,000/- (Rupees Sixty Thousand only) every six months. The first of such payment shall be deposited on 1.3.2007 and the other payment on 1.9.2007. For the subsequent years, the payment shall be made on 1st of March and 1st of September every year.

(iii) Upon deposit of the amount in clauses (i) and (ii) above, the respondent no.1 shall be at liberty to withdraw the said amount on furnishing solvent surety/security to the satisfaction of the Prothonotary & Senior Master.

(iv) Upon compliance, the execution of the impugned judgement and decree shall remain stayed. Any one default shall entitle the respondent no.1 to execute the decree.

3. Notice of Motion stands disposed of.

R.M. LODHA, J.

S.A. BOBDE, J.